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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES SMITH

Petitioner,

vs.

GABRIELA NAJERA, *et al.*,

Respondents

Case No. 2:20-cv-01781-RFB-VCF

**UNOPPOSED MOTION FOR
ENLARGEMENT OF TIME TO FILE REPLY
IN SUPPORT OF MOTION TO DISMISS
(FIRST REQUEST)**

Respondents, by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, and MATTHEW S. JOHNSON, Deputy Attorney General, hereby respectfully move this Court for an order granting a sixty (60) day enlargement of time, to and including Friday, April 7, 2023, in which to file and serve their reply in support of motion to dismiss.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure as well as the attached declaration of counsel and all other papers, documents, records, pleadings, and other materials on file herein. There have been no prior enlargements of Respondents' time to file said reply, and appointed counsel for the petitioner has indicated there is no objection to the request. This motion is made in good faith and not for the purposes of delay.

RESPECTFULLY SUBMITTED this 6th day of February, 2023.

AARON D. FORD
Attorney General

By: /s/ Matthew S. Johnson
MATTHEW S. JOHNSON (Bar. No. 12412)
Deputy Attorney General

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DECLARATION OF COUNSEL
(FIRST REQUEST)

I, Matthew S. Johnson, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. My response in this matter is presently due on February 6, 2023. I respectfully request a 60-day extension to complete my response.

3. I took over this case on January 6, 2023, from a Deputy Attorney General who is no longer with our office. I am currently working on responses to pleadings for a number of other federal habeas petitions as well as taking over other cases for the same Deputy Attorney General that require my attention. Also, I have an oral argument in a death penalty case before the Ninth Circuit Court of Appeals scheduled to be held in San Francisco on February 17, 2023.

4. The Post-Conviction Division of the Nevada Attorney General's Office is presently staffed by 10 full-time post-conviction attorneys, two attorneys who primarily work for other divisions,

1 and one legal researcher who is shared with other divisions. Among other duties, the attorneys in the
2 Post-Conviction Division respond to all federal habeas cases (in the district court and appeal), all state
3 habeas cases involving time-computation issues (in state district court and appeal), all extradition and
4 rendition matters, all wrongful conviction compensation cases, and all appeals and post-conviction
5 cases arising from Attorney General criminal prosecutions.

6 5. For the foregoing reasons, I respectfully request that this Court grant this request to
7 extend the time for responding in this matter to April 7, 2023.

8 6. I contacted counsel for the petitioner and they have no objection to this request.

9 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the
10 foregoing is true and correct.

11 By: /s/ Matthew S. Johnson
12 MATTHEW S. JOHNSON (Bar. No. 12412)
13 Deputy Attorney General
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16 **ORDER**

17 IT IS SO ORDERED.

18 Dated this 7th day of February, 2023.

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20 RICHARD F. BOULWARE, II
21 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General and that on this 6th day of February, 2023, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS (FIRST REQUEST)** by U.S. District Court CM/ECF electronic filing to:

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/s/ April Markiewicz